



## INTERIOR BOARD OF INDIAN APPEALS

Estate of Marlon Murray George

36 IBIA 184 (06/13/2001)

Reconsideration denied:  
36 IBIA 210



## United States Department of the Interior

OFFICE OF HEARINGS AND APPEALS  
INTERIOR BOARD OF INDIAN APPEALS  
4015 WILSON BOULEVARD  
ARLINGTON, VA 22203

ESTATE OF MARLON MURRAY : Order Affirming Decision  
GEORGE :  
: Docket No. IBIA 01-37  
:  
: June 13, 2001

Appellant Elizabeth Jefferson, guardian of the minor children Marlaina George and Shelain George, sought review of an October 20, 2000, order denying rehearing entered in the estate of Decedent Marlon Murray George by Administrative Law Judge William E. Hammett. For the reason discussed below, the Board of Indian Appeals (Board) affirms that decision.

Appellant filed a notice of appeal which did not include any arguments against the decision below. The notice of appeal stated at page 1: "The Statement of Errors of fact and law upon which the appeal is based shall be included in the appellant's brief which will be filed forthwith."

Although advised that her opening brief was due on or before May 4, 2001, Appellant did not file a brief or any other statement of her position in this appeal.

The Board has consistently stated that an appellant bears the burden of proving the error in the decision being appealed. An appellant who fails to make any allegation concerning how a probate decision is in error, let alone any argument in support of such an allegation, has not carried her burden of proof. *See, e.g., Estate of Jacob S. Tsotigh, Sr.*, 35 IBIA 87 (2000), and cases cited there. Appellant has failed to carry her burden of proof here.

Therefore, pursuant to the authority delegated to the Board of Indian Appeals by the Secretary of the Interior, 43 C.F.R. § 4.1, Judge Hammett's October 20, 2000, order denying rehearing is affirmed.

//original signed  
Kathryn A. Lynn  
Chief Administrative Judge

//original signed  
Anita Vogt  
Administrative Judge